



I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: November 24, 2008 Signature: Pam Kerr

(Pam Kerr)

Docket No.: 132538-1016  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Scott Lascelles et al.

Application No.: 09/991,894

Confirmation No.: 4186

Filed: November 13, 2001

Art Unit: 3693

For: ON-LINE BALANCE TRANSFERS

Examiner: S. Malhotra

### INFORMATION DISCLOSURE STATEMENT (IDS)

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Madam:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed more than three months after the U.S. filing date, but before the mailing date of a Final Office Action or Notice of Allowance (37 CFR 1.97(c)).

Applicant has not submitted copies of each cited U.S. patent and U.S. patent application in accordance with 37 CFR 1.98(a)(2). Applicant submits herewith copies of any cited non-patent documents and foreign patent documents in accordance with 37 CFR 1.98(a)(2).

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that any

patent, publication or other information referred to therein is “prior art” for this invention unless specifically designated as such.

The Examiner is advised that the following commonly-owned issued patents or co-pending applications may contain subject matter that may be related to the present application. By bringing these issued patents and co-pending applications to the Examiner’s attention, Applicants do not waive the confidentiality provisions of 35 U.S.C. § 122.

<b>Patent/Appl. Number</b>	<b>Issue/Filing Date</b>	<b>Art Unit</b>
6,324,524	11/27/2001	N/A
6,405,181	06/11/2002	N/A
6,567,791	05/20/2003	N/A
6,718,313	04/06/2004	N/A
6,795,812	09/21/2004	N/A
7,143,063	11/28/2006	N/A
7,346,576	03/18/2008	N/A
09/496,896	02/02/2000	3625
09/595,601	06/15/2000	3625
09/802,481	03/09/2001	3691
09/991,894	11/13/2001	3694
10/901,715	07/28/2004	3696
11/543,569	03/10/2003	3621
11/865,516	10/01/2007	3692
11/932,498	10/31/2007	3692

The owner of the patent application, NextCard, LLC, is defending an action styled LivePerson, Inc. v. NextCard, LLC, et al., Civil Action No. 08-062 (GMS), in the U.S. District Court for the District of Delaware, in which patent owner alleges infringement of U.S. Patent nos. 6,718,313 and 7,346,576, and in which the plaintiff is seeking a declaration that the patents are invalid and not infringed. No facts supporting these allegations have been alleged. The ‘313 and ‘576 patents relate to methods and apparatus for conducting an on-line chat with an applicant for credit.

NextCard, LLC has filed an action styled NextCard, LLC v. American Express Company, et al., Civil Action No. 2:07-cv-354 (TJW), in the U.S. District Court for the Eastern District of Texas, Marshall Division alleging infringement of U.S. Patent Nos. 6,405,181;

6,567,791; 7,143,063; 6,718,313; and 7,346,576. Each of the defendants alleges that the patents are invalid by reason of the failure to comply with one or more of the requirements of Title 35, United States Code, including, but not limited to, 35 U.S.C. §§102, 103 and 112. One defendant also has alleged that the patents are unenforceable because of "inequitable conduct committed by the named inventor and/or others during the filing and/or prosecution of the [patents] before the Patent Office." No facts have been alleged in support of any of the allegations. This application is a continuation in part of the '181, '791 and '063 patents. The '313 and '576 patents relate to methods and apparatus for conducting an on-line chat with an applicant for credit.

NextCard, LLC is bringing an action styled NextCard, LLC v. LivePerson, Inc., Civil Action No. 2:08-cv-00184 (TJW), in the U.S. District Court for the Eastern District of Texas, Marshall Division that alleges infringement by defendant of U.S. Patent Nos. 6,718,313 and 7,346,576. No answer has been filed by the defendant. The '313 and '576 patents relate to methods and apparatus for conducting an on-line chat with an applicant for credit.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

Our check in the amount of \$180.00 covering the fee set forth in 37 CFR 1.17(p) is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 07-0153, under Order No. 132538-1016.

Dated: November 24, 2008

Respectfully submitted,

By 

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